

VZCZCXYZ0038
OO RUEHWEB

DE RUEHFR #4456/01 3131527
ZNY CCCCC ZZH
O 091527Z NOV 07
FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1076
INFO RUEAWJA/DEPARTMENT OF JUSTICE WASHDC IMMEDIATE

C O N F I D E N T I A L PARIS 004456

SIPDIS

SIPDIS

L FOR KENNETH PROPP AND M. GUILANI; DOJ/OIA-P FOR KENNETH
J. HARRIS, P. REEDY, AND E. CRAIG

E.O. 12958: DECL: 11/09/2017
TAGS: CJAN KCRM FR
SUBJECT: HANS PETERSON MURDER CASE: EMBASSY'S DELIVERY OF
LETTER FROM COOK COUNTY STATE'S ATTORNEY

REF: STATE 146715

Classified By: DCM MARK PEKALA FOR REASONS 1.4 (B) AND (D)

¶1. (U) Embassy drew on talking points and delivered reftel letter from the Cook County, Illinois State Attorney's Office on October 24 to the Americas desk at the Ministry of Foreign Affairs. Embassy requested that the letter be forwarded to the letter's addressed recipient, Jean-Marie Huet, Director for Criminal Affairs and Pardons at the Ministry of Justice.

¶2. (SBU) The MFA has told us a response is imminent but cannot specify a date. The Embassy was also told that the response will most likely be similar to FM Kouchner's September 17 letter to Illinois Senators Obama and Durbin (Embassy received a courtesy copy on October 25, and forwarded to the Department on October 26). The letter sent to the senators does not directly address the issue of Peterson's nationality, but does address the GOF's legal arguments against extradition. The letter was signed by FM Kouchner but post understands that that the content was cleared through relevant French government ministries including with Minister of Justice Dati. (COMMENT: The MFA does not consider Peterson's nationality to be in question as his claim to French citizenship was legally established in spite of his stated motivation to escape U.S. prosecution.)

¶3. (SBU) FM KOUCHNER LETTER: FM Kouchner's letter (sent via unclassified e-mail on October 26 to L, EUR/WE, and DOJ) laid

SIPDIS

out four key points. (1) The Minister of Justice has denied extradition of Hans Peterson. (2) The first paragraph of Article 3 of the Franco-American Extradition Treaty of April 23, 1996 was written in order to allow the U.S. to extradite its nationals to France, but the phrasing was explicitly chosen to conform with French penal law which does not permit the extradition of French nationals. The Treaty, as written, does not supersede French law in this regard. (3) An investigation into the Peterson case is open in France and French prosecutors look forward to working closely with their American counterparts to ensure a successful prosecution. Hans Peterson faces life in prison without the possibility of parole for at least 22 years. (4) The Cornbleet family is welcome to become a civil party to the case in order to ensure their access to information about the trial, as well as the right to make legal and other contributions. The French Embassy in Washington and the Consulate-General in Chicago have been instructed to provide guidance and support to the Cornbleet family.

¶4. (C) In addition to various discussions with French officials at lower levels, the Minister of Justice's Diplomatic Advisor Pierre Boussaroque, discussed the U.S.'s

extradition request with DCM Pekala on September 14. At that time Boussaroque said that the Minister of Justice was legally constrained in her ability to act. He emphasized that the MOJ felt that if the Minister made a decision to extradite it would most likely be challenged by the defense and eventually blocked by the judiciary. In order to adhere to the law, as well as avoid a scenario that challenged the credibility of the government's case against Peterson, the Minister could not grant extradition.

¶5. (C) In separate meetings held on October 24, DOJ's AAD Ken Wainstein and D/AAG Bruce Swartz, along with Paris' DOJ representative, Kenneth J. Harris, met with Justice officials, including Jean-Marie Huet, Director for Criminal Affairs and Pardons, to discuss the possibility of enlarging our Extradition Treaty to include the extradition of French nationals to the United States. French Justice officials took note of the U.S. interest, and said they would consult with other government ministries about the issue. Judicial officials also pointed out that in order for the GOF to consider such an agreement, parliament would need to be involved in the discussions.

¶6. (C) COMMENT: Based on numerous discussions with French interlocutors, Embassy Paris does not believe the GOF will change its position not to extradite in the Cornbleet case. The French government clearly sympathizes with the Cornbleet family and U.S. concerns, but does not consider the decision to be political. The legality of Peterson's nationality has been established, and French law prohibits the extradition of its citizens outside of EU countries. While post also doubts France will agree to extradite its nationals to the U.S. in the immediate future, we judge that the Peterson case presents an opportunity to re-engage the French on the subject (a conversation which has now begun). Post recommends that the U.S. argument address several issues including, but not limited to, concrete examples of the

importance of the issue (such as the Peterson case), the number of U.S. nationals we have extradited to France (and other European countries) under the current treaty, the number of other states who extradite their nationals to the U.S., and the issue of the death penalty, which is a particularly sensitive subject for the GOF and the French public at large. END COMMENT

Please visit Paris' Classified Website at:
<http://www.state.sgov.gov/p/eur/paris/index.cfm>

STAPLETON